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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

CIVIL RIGHTS ACT, 42 U.S.C. § 1983
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LOUIS WHITE

Name of Plaintiff

Civil Action

VS.

5:09cv2154 Sec P

BUDDY CALDWELL, ET AL.

Name of Defendant

COMPLAINT

1. Previous Lawsuits

A. Have you begun any other lawsuit while incarcerated or detained in any facility?

Yes _____ No _____ N/A _____

B. If your answer to the preceding question is yes, provide the following information.

1. State the court(s) where each lawsuit was filed (if federal, identify the District; if state court identify the county or parish):

N/A

2. Name the parties to the previous lawsuit(s):

Plaintiffs: N/A

Defendants:

3. Docket Number(s):

4. Date(s) on which each lawsuit was filed:

5. Disposition and date thereof [For example, was the case dismissed and when? Was it appealed and by whom (plaintiff or defendant)? Is the case still pending?]:

C. Have you filed any lawsuit or appeal in any federal district court or appeals court which has been dismissed? YES _____ NO _____

If your answer to the proceeding question is yes, state the court(s) which dismissed the case, the civil action number(s), and the reason for dismissal (e.g., frivolity, malice, failure to state claim, defendants immune from relief sought, etc.).

II. A. Name of institution and address of current place of confinement:

FORCHT WADE CORRECTIONAL CENTER

B. Is there a prison grievance procedure in this institution?

YES _____ NO _____ N/A _____ .

1. Did you file an administrative grievance based upon the same facts which form the basis of this lawsuit?

YES _____ NO _____ .

If yes, what is the Administrative Remedy Procedure number? _____

2. If you did not file an administrative grievance, explain why you have not done so.

THIS IS A CRIMINAL MATTER, REQUESTING DNA TESTING.

3. If you filed an administrative grievance, answer the following question.

What specific steps of prison procedure did you take and what was the result? (For example, for state prisoners in the custody of the Department of Public Safety and Corrections: did you appeal and adverse decision through to step 2 of the administrative grievance procedure by appealing to the Secretary of the Louisiana Department of Public Safety and Corrections? For federal prisoners: did you appeal any adverse decision from the warden to the Regional Director for the Federal Bureau of Prisons, or did you make a claim under the Federal Tort Claim Act?)

Attach a copy of each prison response and/or decision rendered in the administrative proceeding.

III. Parties to Current Lawsuit:

A. Name of Plaintiff: _____

Address: _____

B. Defendant, _____, is employed as _____ at _____

IV. Statement of Claim

State the **FACTS** of your case. Specifically describe the involvement and actions of each named defendant. Include the names of all persons involved in the incident(s) or condition(s) giving rise to this lawsuit, and the dates upon which and the places where the incident(s) and/or condition(s) occurred. **YOU ARE REQUIRED TO SET FORTH ONLY FACTUAL ALLEGATIONS. YOU ARE NOT REQUIRED TO SET FORTH LEGAL THEORIES OR ARGUMENTS.**

See Attached Copy

V. Relief

State exactly what you want the court to provide to you or for you. Make no legal arguments. Cite no cases or statutes.

The plaintiff request that this Honorable Court issue an injunction ordering the defendants to allow him the same opportunity for post-conviction DNA testing in his favor or he will suffer irreparable injury without due process of law. An award of damages will not adequately protect him under the Constitution of Equal Protection of the Laws of future violations.

Signed this 16 day of December, 2009.

1015 H1
Prisoner No: (Louisiana Department of
Corrections or Federal Bureau of Prisons)

Louis White
Signature of Plaintiff

CLAIM

Defendants of the State of Louisiana, Attorney Buddy Caldwell's acting under Color of State Law while acting in his original capacity or while exercising his responsibilities pursuant to state law; with his subordinates, Attorney Hugo Holland and District Attorney, Charles Rex Scott from the Parish of Caddo violated my Constitutional Rights of Equal Protection of the laws. Their decision are facially unconstitutional and amounts to deliberate indifference on their part of the municipality without due process of law.

Defendant, Attorney Buddy Caldwell's subordinates, Hugo Holland and Charles Rex decision under state law of my request wanting Post-Conviction DNA Testing and willing to bear the cost of the requested DNA Testing deficient as to constitute a policy of deliberate indifference and discriminatory.

The Honorable Judge Leon Emanuel, III granted the Motion to Preserve the Evidence, November 9, 2004, (See Exhibit D).

Letter from the DNA Service of America in Shreveport, La., seeking the truth when it matters most.

Motion to Grant DNA Testing denied by the trial court September 18, 2006.

Uniform Application for Post-Conviction Relief denied by the trial court as repetitive, January 22, 2007.

Court of Appeal denied Supervisory Writ denied a repetitive, 121,481, DKT. No. 42859-KH.

Supreme Court denied Certiorari, as repetitive, DKT. No. 2007-KH-1949, August 22, 2008.

Defendant's District Attorney, Hugo Holland and Charles Rex Scott acting under color of state law decision is unequal treatment in denying me the same opportunity as Offender Richard

Coleman, Calvin D. Willis and Gene C. Bibbins request for Post-Conviction DNA Testing. Offender Richard Coleman was allowed under state law to swear under penalty of perjury that they did not commit the crime before they can receive the test by Assistant District Attorney Hugo Holland. Offender Calvin D. Willis and Gene C. Bibbins was also allowed by the State of Louisiana to bear the cost of the requested DNA Testing that requires by state law. The defendants decision pursuant to state law in their individual capacity deprive me of my constitutional rights guaranteed under the Fourteenth Amendment that no one will be denied equal protection of the laws without any rational relationship.

By these actions the defendant's violated my right to equal protection.

EXHIBIT A

F. Edward Mouton

Attorney at Law

January 27, 2005

Paul Carmouche
District Attorney
First Judicial District
501 Texas Street
Shreveport, LA 71101

Re: Louis White vs State of Louisiana
Motion To Grant DNA Testing

Dear Mr. Carmouche,

My firm has been retained by Mr. Louis White in reference to Post Conviction Relief for a matter that originated in Caddo Parish. In our research we discovered the enclosed motion, wherein counsel for another defendant, Mr. Calvin Willis, was able to obtain evidentiary materials for DNA testing with no objection from the District Attorney's office, per the motion. With the assistance from your office Mr. Willis was released from Angola Prison after more than 20 years and subsequently exonerated of a conviction for a crime he did not commit.

As this same type of DNA testing was unavailable at the time of Louis White's trial, we would respectfully request the same consideration from you in this matter. I would be happy to discuss this issue with you further if you will contact me at my telephone number listed herein.

If this is agreeable, please respond at your earliest convenience and we will forward a copy of our motion to you prior to filing.

Respectfully,



F. Edward Mouton
318/221-5213
318/221-5283 (Fax)

F. EDWARD MOUTON
ATTORNEY AT LAW

March 3, 2005

Mr. Louis White
#101541
Forcht Wade Correctional
7990 Caddo Drive
Keithville, LA 71047-7011

Re: Correspondence 2/21/05

Dear Mr. White,

Your recent letter has been received in our office. You are correct that I was at Forcht Wade several weeks ago. I had not obtained prior clearance for a visit with you from the administration, and did have a discussion with Warden Batson concerning you as my client. I must tell you that I had a very severe bout of the flu going on and did not want to risk any unnecessary contact with another person if it was not necessary. A hearing had already been scheduled there for another client and rescheduling was impossible, or I would have made it another day.

In reference to your appeal matters, your file currently is in the hands of our paralegal, who is presently researching your options. In our analysis, there is not sufficient merit to proceed with the present Federal case. Without any new case developments and under present statutory and case law there is not a meritorious position to approach the appellate court that will yield another decision. My paralegal reports that the actual federal deadline for an appeal of that matter is August 30, 2005.

In the meanwhile, I have had several discussions with the Caddo District Attorney's Office, specifically with ADA Hugo Holland, in an effort to have DNA testing done in your case without objection from the State. Though they have been resistant in the past to this approach, we feel that it is the most promising avenue to pursue. Even if testing is granted, there are other obstacles that will have to be overcome before we can anticipate a new trial. There is the possibility that the evidence could still point to you. Understandably the State is hesitant in your case due to the problems that would be encountered in facing a new trial on such an old matter, but it is not unheard of and Mr. Holland is still willing to discuss that possibility. I will advise you of any developments.

Sincerely,



F. Edward Mouton
318/221-5213
318/221-5283 (Fax)

EXHIBIT B

STATE OF LOUISIANA

VERSUS

CALVIN WILLIS

FILED

JUN 09 1999

NUMBER 118,517

FIRST JUDICIAL DISTRICT COURT

CADDO PARISH, LOUISIANA

STIPULATION AND ORDER FOR RELEASE OF EVIDENCE

STIPULATION

WHEREAS Calvin D. Willis was convicted of aggravated rape on February 2, 1982 in Shreveport, Caddo Parish, Louisiana, after a jury trial;

WHEREAS biological evidence was admitted at the jury trial against Mr. Willis;

WHEREAS DNA testing was not available at the time of Mr. Willis' trial for rape.

THEREFORE the parties agree that all of the biological evidence susceptible to DNA testing that was admitted at Mr. Willis' trial for rape shall be released by the First Judicial District Court in Shreveport, Caddo Parish, Louisiana and sent to Pat Wojkiewicz at the Northwest Louisiana Criminalistics Laboratory to undergo DNA testing.

ORDER

The Clerk of Caddo Parish First Judicial District Court shall send to Pat Wojkiewicz at the Northwest Louisiana Criminalistics Laboratory all evidence susceptible to DNA testing that was collected pursuant to the rape of Cynthia Johnson, including the following exhibits from trial:

- 1) State's Exhibit 10, plastic bag with gown;
- 2) State's Exhibit 10(a), panties;
- 3) State's Exhibit 11, brown bag with throw cover;
- 4) State's Exhibit 12, brown bag containing men's underwear;
- 5) State's Exhibit 13, rape kit;
- 6) State's Exhibit 29, brown bag with shoes;
- 7) State's Exhibit 34, slides;
- 8) State's Exhibits 37(a-c), white bag with tube of blood;
- 9) State's Exhibit 38, plastic bag, illegible label
- 10) Defendant's Exhibit 1, underwear.

Prior to any testing, Pat Wojkiewicz will document and photograph each item of evidence and confer with Dr. Edward Blake to develop a strategy to secure meaningful testing without the depletion by Northwest Louisiana Criminalistics Laboratory of all of the testable evidence. In order for Dr. Blake to perform replicate testing, should the need arise, in no event will Pat Wojkiewicz utilize more

EXHIBIT

"A"

than fifty percent of any biological material.

Once the evidence is tested at the Northwest Louisiana Crime Lab it will then be sent in sealed evidence bags to Dr. Edward Blake, Forensic Science Associates, 3053 Research Drive, Richmond, CA, 94806, by Federal Express. Defense counsel will provide the Northwest Louisiana Criminalistics Laboratory a pre-printed Federal Express form and the appropriate packaging so that the Defendant will absorb the cost of shipping.

Two blood samples shall be obtained from Mr. Willis and sent, by Federal Express, to Dr. Edward Blake and Pat Wojkiewicz. Defense counsel will provide to Mr. Willis' facility a pre-printed Federal Express form and appropriate packaging for transportation of the samples to both Labs. Defense counsel shall arrange to have the sample taken, and will notify the Court and the District Attorney's Office when arrangements with Mr. Willis' facility have been finalized.

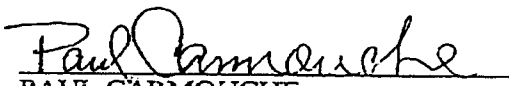
After performing all necessary forensic tests on this evidence, Forensic Science Associates and the Northwest Louisiana Criminalistics Laboratory shall return the above-mentioned evidence to the First Judicial District Clerk's Office.

By agreeing to release such evidence for DNA testing, the District Attorney's Office does not waive any claim it may raise in response to a subsequent motion seeking post-conviction relief.


This done and signed this 9th day of June 1999, in Shreveport, Caddo Parish, Louisiana.



JUDGE, FIRST JUDICIAL DISTRICT



PAUL CARMOUCHE
District Attorney
501 Texas Street
Shreveport, LA 71101
318-226-6956



BARRY SCHECK, Esq.
PETER NEUFELD, Esq.
GILLE ANN RABBIN, Esq.
Attorneys for Defendant
DANIELLE ATTIAS, Law Student
55 Fifth Avenue
New York, NY 10003
(212) 790-0354

in lieu of flowers, donations may be made to the Shreveport Area Humane Society, 1000 N. 1st St., Shreveport, La. 71201, (504) 835-1234.

Stockard Garrett, Jr. died Thursday, February 14, 2008 at Rose-Neath Funeral Home, Shreveport, La. Services celebrating his life will be held at 11:30 a.m. on Monday, February 18, 2008 at Rose-Neath Funeral Home, Shreveport, La. Burial will follow in Rocky Mount Cemetery, Shreveport, La. The family wishes to thank the staff of Rocky Mount Cemetery, Shreveport, La. for their assistance and kindness during this difficult time. The family also wishes to thank the staff of Rocky Mount Cemetery, Shreveport, La. for their assistance and kindness during this difficult time.



line at ShreveportTimes.com

Police were prepared to deploy spike strips but didn't have to. The black, four-door Toyota Camry was stopped on Pines Road south of Interstate 20 just before 9 a.m.

A Caddo sheriff's deputy clocked the vehicle doing about 80 mph on North Market Street, and the driver failed to stop, beginning the chase.

Police said the car was reportedly borrowed from a student at Northwood High School and the driver, whose name and age were not immediately available, failed to return it.

BENTON

Teen accused of threat that cleared 2 schools

A Benton Middle student was charged Friday in connection with a false bomb threat that led to school evacuations the day before.

The 14-year-old boy faces one count of communicating false information of a planned bombing on school property, according to the Bossier sheriff's office. The charge, a felony, carries a sentence of up to 20 years if convicted.

Benton High and Benton Middle schools' 1,500-1,600 students were moved out of buildings and onto the football field Thursday after someone at the middle school found a note on a bulletin board saying there were two bombs there.

Deputies and teachers searched the schools but found no evidence.

Inmate faces perjury charge after DNA test

A Shreveport man convicted in 1985 of the brutal rape of a local woman could face a perjury charge after recent DNA testing linked him to the assault, according to the Caddo district attorney's office.

Richard Coleman asked for the DNA analysis after he was convicted. The results confirm he was one of two men who kidnapped, beat and raped a local nurse, a district attorney news release says.

Coleman and co-defendant Larry Morris were sentenced to life in prison in April 1985. Morris did not request a DNA test.

"State law requires that a person wanting post-conviction DNA testing must swear under penalty of perjury that they did not commit the crime before they can receive the test," Assistant District Attorney Hugo Holland said. "Coleman signed such a statement."

"While a perjury conviction doesn't mean he will serve more jail time, the additional felony conviction will ultimately, in all likelihood, foreclose any possibility of pardon or commutation of his sentence."

Man now also charged with killing two people

A Shreveport man already jailed for blocking a police investigation of two November killings now is

in Shreveport hood he burned.

When added, D. Corrective obstructi with the have not tion to Mi Bond o is set at \$1 booking r without bo and as an i

HAUGHTON

Missing unhurt

An elderly was reported was found u from home, cials said.

Robert Ken located in La Carroll Parish the result of Larry Deen s Headrick, w driving a silver Marquis, Deen not know why l dence.

DEATHS

Beauregard Parish

Brister, Darwood, 72, of DeRidder, died Thursday; services at 2 p.m. Sunday at Labby Memorial Funeral Home, DeRidder; burial in Creel Cemetery, Topsy.

Caddo Parish

Doyle, William Alton Sr., 96, of Shreveport, died Tuesday; services at 10 a.m. today at St. Michael the Archangel Chapel, Shreveport; burial in Forest Park West Cemetery, Shreveport; arrangements by Rose-Neath Funeral Home, Marshall Street, Shreveport.

Duke, Marie Pickens, 84, of Oklahoma City, and formerly of Shreveport, died Monday; graveside services at 11 a.m. today in Forest Park Cemetery, St. Vincent Avenue, Shreveport; arrangements by Rose-Neath Funeral Home, Marshall Street, Shreveport.

Lipscomb, Linda Tate, 66, of Blanchard, died Feb. 9; memorial services from 7-9 p.m. today at her residence in Blanchard; arrangements by Hill Crest Funeral

Home, Haughton.

Meyer, Gerald, 80, of Vivian, died Tuesday; memorial services at 2 p.m. today at Gorsulowsky Funeral Home, Vivian.

Murray, Leavada Obyes, 87, of Shreveport, died Sunday; services at 11 a.m. today at Peaceful Rest Missionary Baptist Church; burial in Paradise Cemetery, Hosston; arrangements by Rose-Neath Funeral Home, Southside Drive, Shreveport.

Jackson Parish

Brunson, Brenda Joyce, 64, of Jonesboro, died Thursday; services at 2 p.m. Sunday at Edmonds Funeral Home, Jonesboro; burial in Gayla Traina Cemetery, Jonesboro.

Natchitoches Parish

Kerry, Merrick O. "Buddy," 64, of Patterson, died Tuesday; services at 10 a.m. today at Holy Rosary Catholic Church, Chopin; burial in Emmanuel Cemetery, Chopin; arrangements by Blanchard-St. Denis Funeral Home, Natchitoches.

Smith, Alan Marie

Michael Smith Flatwoods, died services at 10 Flatwoods Cem

Sabine Parish

Baker, Rachel, of Z Wednesday; serv Monday at Aimwe Zwolle; burial in c arrangements by Funeral Home, Mc

Procell, Reba, 91, o

Tuesday; services at Middlecreek Ba Many; burial in ch arrangements by V Funeral Home, Mai

Union County, /

Bailey, Henry E., "Chu" City, Ark., died Frida at 2 p.m. Monday a Grove United Metho Junction City; burial Chapel Cemetery, Ju arrangements by Bal Haynesville.

EXHIBIT C

HOW do I COORDINATE? my TEST.

To schedule a test or for a professional consultation regarding your unique forensic case, please contact one of our dedicated Case Managers at the number below:

820 Jordan Street, Suite 510-C
Shreveport, LA 71101
Phone: 318.227.8339

1106 MacArthur Drive, Suite 7
Alexandria, LA 71303
Phone: 318.448.4252

Toll Free: 1.866.778.4362



820 Jordan Street, Suite 510-C

Shreveport, LA 71101

Phone: 318.227.8339

1106 MacArthur Drive, Suite 7

Alexandria, LA 71303

Phone: 318.448.4252

Toll Free: 1.866.778.4362

Let DNA Services of America help you or your clients with your forensic DNA testing needs relating to issues such as:

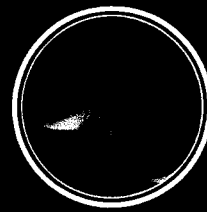
- Criminal matters, including murder or burglary
- Sexual assault
- Criminal paternity
- Re-testing of evidence
- Auto accident or other fraud investigations
- Product tampering
- Drug test sample confirmations (non-DOT)
- Infidelity Testing

Exh. B.1 C

Brochure



Forensic DNA Testing



What is FORENSIC? DNA Testing.

Forensic DNA Testing is the identification and evaluation of biological evidence in criminal matters using DNA technologies. Today's legal and business environments afford greater use and need for the applications of forensic DNA testing than ever before.

DNA Services of America's contracted forensic DNA laboratory is highly recognized for its testing expertise and methodologies on both a national and international level. Services offered through DNA Services of America include:

- Evidence Screening
- Semen and Blood Detection
- Forensic DNA Testing
- Re-testing of evidence
- Drug test sample confirmations
- Expert witness testimony or professional consultation

DNA Services of America's contracted forensic laboratory is accredited and/or licensed by:

- American Society of Crime Laboratory Directors ("ASCLD")
- National Forensic Science Technology Center ("NFSTC") with ISO 17025
- Texas Department of Public Safety
- New York State Department of Health

Why choose DNA SERVICES of AMERICA?

Speed- We offer the fastest test result turnaround time in the industry for forensic-based testing services.

Semen or Blood Detection – An average of only 5 to 7 business days with Next-Day or 2-Business Day RUSH options available

Forensic DNA or Infidelity Testing – A 3 to 4 week average turnaround time with RUSH options available dependent on prior DNA Laboratory Director approval

A Dedicated Case Manager- Each client is assigned a dedicated, expert Case Manager to assist you through the complicated process of forensic DNA case coordination. They will be available to answer all questions throughout the testing process, and immediately coordinate additional testing based on the original test results, as necessary.

Convenience- We are here, in your community. No other DNA identification testing company can make itself personally available to assist you with your casework needs.

Brochure



Tara Barnhill Marketing Director / Case Manager

820 Jordan St., Suite 510C / Shreveport, LA 71101
Phone: 318.227.8339 / Fax: 318.227.8310
/ Email: shreveport@dnasoa.com

Semen Detection & INFIDELITY Testing

Semen Detection- is a precursor to an actual DNA comparison of samples. DNA Services of America's contracted laboratory will test for the presence of semen and sperm cells on the article submitted for testing.

Based on the presumptive test results, a client can decide whether or not to provide a reference sample for further testing and comparison to the DNA from the semen detection sample, called an Infidelity Test.

Infidelity Test- is an actual DNA test performed through the forensic DNA laboratory. The DNA found in the sample submitted for a semen detection test will be compared against a reference sample to determine whether there is a match or non-match.



EXHIBIT D

LOUIS WHITE

versus

STATE OF LOUISIANA

DOCKET NO. 121,481
1ST JUDICIAL DISTRICT COURT
PARISH OF CADDO
STATE OF LOUISIANA

s/ _____
Deputy Clerk of Court
FILED DATE: _____

ORDER

IT IS HEREBY ORDERED:

That all evidence in reference to the Docket of this court; 121,481, in connection with the arrest, indictment, conviction of Defendant Louis White be hereby preserved for appellate purposes.

Thus Done & Signed this 9th day of November, 2004, in Shreveport, Caddo Parish, Louisiana.

HONORABLE JUDGE
FIRST JUDICIAL DISTRICT COURT
LEON L. EMANUEL, III

ENDORSED FILED
NANCY JENKINS, Deputy Clerk

NOV 09 2004

TRUE COPY - Attest

DEPUTY CLERK

PLEASE SERVE;

District Attorney
First Judicial District Court
Parish of Caddo
501 Texas St.
Shreveport, Louisiana 71101-5408

Louis White DOC # 101541
Alpha Unit
Forcht Wade Correctional Center
7990 Caddo Drive
Keithville, Louisiana 71047

Mr. White,

I need more information on the type of evidence you are interested in having retested and what tests you are needing to have done before I can give you more exact information & prices.

It helps me to determine what will meet your needs if I am more informed on the exact evidence being used & the nature of your case.

I have a menu enclosed

some general information for your review. Please feel free to give my name & contact information to your Attorney and I would be happy to talk to them about what ~~you~~ type testing you would need.

Office Manager/
Case Manager
Jana Barnhill



Louis White, (101541)
Dorm - Alpha, 7WCC
7990 Caddo Drive
Keithville, Louisiana 71047-7011

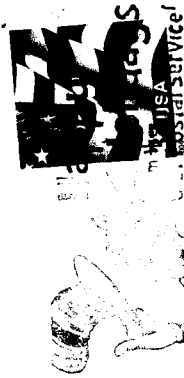


820 Jordan Street, Suite 510-C / Shreveport, LA 71101

DNA SERVICES
of AMERICA

Seeking the truth when it matters most

820 Jordan Street, Suite 510C / Shreveport, LA 71101



Louis White, (101541)
Dorm - Alpha, 7WCC
7990 Caddo Drive
Keithville, Louisiana 71047-7011

LOUIS WHITE #101541
PORTROT UNIT ONE
PORTCHT MADE CORRECTIONAL CENTER
1990 CADDO DRIVE
BETHVILLE, LOUISIANA 71047-7011



Legal-Mail

CLERK, ROBERT H. SHEMPELL
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
300 FANNIN ST. SUITE 1167
SHREVEPORT, LOUISIANA 71101-3083

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